



Federal Communications Commission
Washington, D.C. 20554

July 9, 2013

DA 13-1534

Richard Monjure
16024 Wilkinson Drive
Clermont, FL 34714

Re: Petition for rule changes in 47 C.F.R. § 13.201(b)(6), filed February 6, 2013

Dear Mr. Monjure:

This is in response to the above-referenced petition for rulemaking that you filed on February 11, 2013.¹ You request that Section 13.201(b)(6) of the Commission's Rules² be amended regarding the requirements to obtain a GMDSS Radio Operator's License. Specifically, you propose that the Commission recognize a GMDSS General Operator's Certificate issued by the United Kingdom Maritime and Coastguard Agency (UKMCA) as meeting the requirements for an FCC GMDSS Radio Operator's License. For the reasons set forth below, we deny the petition.

Section 13.201(b)(6) provides that, in order to qualify for a GDMSS Radio Operator's License, an applicant must either pass examinations for Written Elements 1 and 7 offered by a Commission-certified Commercial Operator License Examination Manager (COLEM), or hold "a Proof of Passing Certificate (PPC) issued by the United States Coast Guard (USCG) or its designee representing a certificate of competency from a USCG-approved training course for a GMDSS endorsement."³ You propose to amend this section by adding "or a GMDSS General Operator's Certificate issued by the United Kingdom Maritime and Coastguard Agency."⁴ You state that the requirements for obtaining a UKMCA GMDSS Operator's Certificate "are high and prove basic competence as a GMDSS operator."⁵

When the Commission amended Section 13.201 to permit persons who passed a USCG-approved GMDSS training course to obtain an FCC GMDSS Radio Operator's License, it noted that masters and mates on U.S. vessels subject to the International Convention on Standards of Training, Certification and Watchkeeping are required to hold both an FCC GMDSS Radio Operator's License and a USCG GMDSS endorsement,⁶ and that the USCG-approved GMDSS course is based on the same material and similar

¹ Letter dated February 6, 2012 from Richard Monjure to Marlene H. Dortch, Secretary, Federal Communications Commission (Petition).

² 47 C.F.R. § 13.201(b)(6).

³ *Id.*

⁴ See Petition at 1.

⁵ *Id.* at 3. You enclose with your Petition the Handbook issued by the Association of Marine Electronic and Radio Colleges of the U.K., an organization certifying schools to offer GMDSS course in compliance with UKMCA standards, as well as a sample operational performance test.

⁶ See Amendment of Parts 13 and 80 of the Commission's Rules Concerning Maritime Communications, *Report and Order and Further Notice of Proposed Rule Making*, WT Docket No. 00-48, 17 FCC Rcd 6741, 6749 ¶ 14 (2002) (2002 Report and Order); see 46 C.F.R. § 10.205(n).

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questions as the examination for the FCC GMDSS Radio Operator's License.⁷ The Commission amended the rule to permit persons who passed a USCG-approved GMDSS training course to obtain an FCC GMDSS Radio Operator's License without additional testing in order to "relieve the burden that the duplication of examination puts on applicants and . . . avoid the unnecessary administration of examinations."⁸ There is no requirement for mariners to hold both an FCC GMDSS Radio Operator's License and a UKMCA GMDSS General Operator's Certificate. Consequently, no duplication of examination is mandated by each country's testing requirements. In addition, we note that the United States has not entered into any bilateral or multilateral agreement with the United Kingdom regarding recognition of the other country's GMDSS operator license.⁹

Finally, we question whether your proposal is consistent with the intent of Congress when it authorized the Commission to delegate the administration of commercial radio operator examinations to third parties.¹⁰ Congress authorized the Commission to utilize COLEMs in order to "improve public access to testing."¹¹ Authorizing foreign license holders to obtain FCC licenses without testing would not further the legislative purpose. Nor does it appear that Congress intended to authorize the Commission to delegate its testing functions to foreign entities that the United States government has no ability to oversee.¹²

Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Richard Monjure on February 11, 2013 IS DENIED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ See 2002 Report and Order, 17 FCC Rcd at 6749 ¶ 14.

⁸ *Id.* at 6750 ¶ 15.

⁹ Compare 47 C.F.R. § 97.107 regarding reciprocal operating authority for amateur radio operators licensed by other nations with which the United States has a bilateral or multilateral agreement.

¹⁰ See 47 U.S.C. § 154(f)(5).

¹¹ H.R. Rep. No. 316, 101st Cong., 1st Sess. (1989), reprinted in 1990 U.S.C.C.A.N. 1294, 1300.

¹² See 47 U.S.C. § 154(f)(5)(B).